

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

PURDUE PHARMA L.P., et al.,

Debtors.¹

Chapter 11

Case No. 19-23649 (RDD)

(Jointly Administered)

Hearing Date: Aug 12 2021

Hearing Time: 10:00 a.m.

**AD HOC GROUP OF HOSPITALS' REPLY TO OBJECTION OF
DR. MICHAEL MASIOWSKI TO HOSPITALS' USE OF
FOUR EXPERT WITNESSES AT CONFIRMATION HEARING**

In response to the *Objection of Independent Emergency Room Physician, Dr. Michael Masiowski, Individually, and as Putative Class Representative to Hospital Trust Tender of Testimony at Confirmation Hearing Regarding Dr. Michael Masiowski* [DE 3482] (the “Objection”), the Ad Hoc Group of Hospitals (the “Hospitals”) state as follows:

1. In conformance with the several procedural orders entered by the Court pertaining to the Confirmation Hearing, the Hospitals timely identified four expert witnesses [DE 3112] and subsequently circulated their reports to all counsel, again in conformance with those orders.
2. On August 5, 2021, in consultation with the Debtors, the Hospitals submitted Declarations for all four of those expert witnesses to permit their expert testimony to be submitted as part of the case in chief in support of confirmation [DE 3405, 3407, 3408 and 3409]. In short,

¹ The Debtors in these cases, along with the last four digits of each Debtor's registration number in the applicable jurisdiction, are as follows: Purdue Pharma L.P. (7484), Purdue Pharma Inc. (7486), Purdue Transdermal Technologies L.P. (1868), Purdue Pharma Manufacturing L.P. (3821), Purdue Pharmaceuticals L.P. (0034), Imbrium Therapeutics L.P. (8810), Adlon Therapeutics L.P. (6745), Greenfield BioVentures L.P. (6150), Seven Seas Hill Corp. (4591), Ophir Green Corp. (4594), Purdue Pharma of Puerto Rico (3925), Avrio Health L.P. (4140), Purdue Pharmaceutical Products L.P. (3902), Purdue Neuroscience Company (4712), Nayatt Cove Lifescience Inc. (7805), Button Land L.P. (7502), Rhodes Associates L.P. (N/A), Paul Land Inc. (7425), Quidnick Land L.P. (7584), Rhodes Pharmaceuticals L.P. (6166), Rhodes Technologies (7143), UDF LP (0495), SVC Pharma LP (5717) and SVC Pharma Inc. (4014). The Debtors' corporate headquarters is located at One Stamford Forum, 201 Tresser Boulevard, Stamford, CT 06901.

the highly qualified experts opined in response to the Masiowski Objection and in support of the Class Six Trust Distribution Procedures.

3. Contrary to what Dr. Masiowski asserts in his Objection, the direct rebuttals of Dr. Masiowski's expert report (which report was circulated in accordance with the confirmation procedures order, but then not listed as an exhibit or witness), comprise only a small part of each of the Hospitals' four expert reports, which this Court is easily able to discern.

4. Instead, each of those expert reports refutes other issues that have been raised by Dr. Masiowski in his Objections [DE 3262 and 3323] to the Sixth Amended Plan, or as to which the Court must satisfy itself that the mechanics and other workings of Class 6 under the Debtors' Sixth Amended Plan, by means of the Hospital Trust and the abatement distributions to be made from that Trust, conform to the Bankruptcy Code.

5. Accordingly, the Hospitals submit that the most recent Masiowski Objection [3482] is without merit. Each of the four Hospitals' expert witness reports are relevant and material to the issues implicated in Dr. Masiowski's argument. Moreover, those reports will assist this Court, as the trier of fact, to understand the evidence and/or to determine the facts at issue in this proceeding.

6. Counsel for the Hospitals and counsel for Dr. Masiowski partook in a "meet and confer" and both have pledged a continued effort to narrow the issues that the Court must address at the Confirmation Hearing.

WHEREFORE, the Ad Hoc Group of Hospitals requests that the Objection be overruled, and that the Court grant such other and further relief as it deems proper.

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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2021, I caused a copy of the foregoing Ad Hoc Group of Hospitals' Reply to Objection of Dr. Michael Masiowski to Hospitals' Use of Four Expert Witnesses at Confirmation Hearing to be electronically filed and served via the United States Bankruptcy Court for the Southern District of New York's CM/ECF system upon the following parties in this case:

(See attached list)

/s/ Michael P. O'Neil
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